

## REMARKS

In accordance with the foregoing, the Title and claims 1 and 6-9 have been amended. New claims 10-12 have been added and thus, claims 1-12 are pending and under consideration.

The February 22, 2005 Office Action, required a new title clearly indicative of the invention. The Title has been replaced and the new title clearly indicates the invention to which the claims are directed. It is respectfully requested that the objection to the Specification concerning the Title be withdrawn in the next Office Action.

In the Office Action, claims 1-9 were rejected under 35 U.S.C. § 102(e) as anticipated by US Patent No. 6,516,350 to Lumelsky et al. (Reference F). The rejection of claims 1-9 is respectfully traversed. Independent claims 1, 6-8, and 9 have been amended to recite, for example as in claim 1, "an intermediate server group of service servers which offer low level service among the plurality of service servers at a normal time" (claim 1, lines 6-8).

On the other hand, Lumelsky et al. discloses a distributed system for the management of distributed resources interconnected by a computer network by either re-addressing client requests to other servers or replicating server content (see, Abstract; lines 1-2 and column 8, lines 41-51). Nothing has been cited or found in Lumelsky et al. which teaches "an intermediate server group of service servers which offer low level service among the plurality of service servers at a normal time" (see claim 1, lines 6-8), in other words, a group of servers that are operating below capacity at a normal time. This permits this group of servers to be used for "reducing a load on a service server ... by using at least one service server with the lightest load within the intermediate server group" (e.g., claim 1, lines 10-11). This enables the present invention to obtain maximum use of available resources while reserving capability of maintaining a required quality of services when workload is increased. Thus, Lumelsky et al. does not teach or even suggest each element of independent claims 1 and 6-9. Therefore, independent claims 1, 6-9 and claims 2-5 which depend from claim 1 are allowable for at least the reasons discussed above.

Claim 10 has been added to recite "intermediate service servers offering low level service at a normal time" (claim 10, last line) which is similar to the limitation quoted above from lines 6-8 of claim 1. Claim 11 adds a "load shifting unit" and claim 12 adds that the "load shifting unit reduces the load on the selected server by shifting a portion of the load from the selected server to at least one intermediate server having a lightest load among the intermediate servers." Therefore, it is submitted that claim 10 and claims 11 and 12 which depend therefrom

patentably distinguish over Lumelsky et al. for reasons similar to those discussed above with respect to claim 1.

For the reasons set forth above, it is submitted that claims 1-12 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 5/23/2005  
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